

REMARKS

The Office Action has been carefully reviewed in light of the cited references and the Examiner's comments, and accordingly, Applicants are filing herewith a Terminal Disclaimer in accordance with the provisions of 37 CFR 1.321(c) and 37 CFR 3.73(b). In view of the attached Terminal Disclaimer, Applicants request that the rejection based upon double patenting be withdrawn.

With respect to claim 17, Applicants respectfully submit that this claim sets forth a structure which is not obvious in view of James '205 cited by Applicants in their Information Disclosure Statement. As Examiner noted, the device set forth in claim 17 includes a position sensor for sensing the position of the first member relative to the second member, including a magnet and a magnetically actuated electronic sensor, and a variable shutter connected for movement with the first member and spaced between the magnet and the electronic sensor for variably restricting the magnetic field in response to relative movement between the first and second members. This structure is disclosed on pages 28 and 29 of the specification and in connection with FIGS. 25A and 25B. However, this structure provides desirable advantages and is in no way suggested by James '205 or any other reference. More specifically, the variable shutter 302 provides for a precision variable signal to the position sensor and is not significantly sensitive to poor environmental conditions such as particles or dirt in the air surrounding the device. Applicants' position sensor also provides a low noise/high signal transmission to the computer controlled electronic system or

Serial No. 09/189,233

microprocessor.

In view of the attached Terminal Disclaimer and the above reasons, Applicants believe that all of claims 1-17 should be in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

A handwritten signature in cursive script, appearing to read "Alan Meckstroth", written over the printed name.

Alan F. Meckstroth

Reg. No. 22,607

AFM:pm
Enclosure
January 31, 2000
Dayton, Ohio 45419-1575
937/298-2811